

**CONSERVATION COMMISSION
AMENDED AGENDA
APRIL 4, 2007**

7:15 Preliminary Inquiry – 108B Newtown Road

7:20 Enforcement Order - 93 Taylor Road - 85-749 – Steve Marsh

Request for Determination - Road Resurfacing

Rt. 27 from Sylvia St. to High St., Rt. 27 School St. to Rt. 111, Rt. 27 from Rt. 111 to Rt. 2, Rt. 27 from Rt. 2 to 371 Main St., School St. from Rt. 27 to Piper Rd., Brucewood Road, Rt. 111 from Spruce St. to Arlington St., Powder Horn Ln., Flintlock Dr., Revolutionary Rd., Fife & Drum to John Swift, Heald Rd., Trask Rd., Nagog Hill Rd. from Hammond St. to Sutton Place, Hawthorne St., Pope Rd. from Rt. 2A to Bayberry Rd., Strawberry Hill Rd from Pope Rd. to the Concord town line, Simon Hapgood Ln. and Carlisle Road.

7:30 Request for Determination - 21 Elm Street

Installation/replacement of new field lighting at the Elm Street softball field.

7:45 Continuance - NOI - Main Street sidewalk

Site walk scheduled on Monday, April 2nd at 9AM.

Schedule Site Walk - 53 Fort Pond Road (Grassy Pond Place) – hearing continued to 4/18.

Certificates of Compliance

- * 5 Patrick Henry Circle
- * 294 Arlington Street – Thunder Way
- * 30 Stow Street

MINUTES

March 7	comments rec'd by	TT, JA	Signature
March 21	comments rec'd by	TT, TM, JA	

**CONSERVATION COMMISSION
MINUTES
APRIL 4, 2007**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, William Froberg, Linda Serafini, Julia Miles, Frances Portante

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Tom Tidman

VISITORS: Steve Marsh, Corey York, Venkatesh Srinivasan, Jim Maxwell, Brewster Conant, Jim Bonnar

7:15 Preliminary Inquiry – 108B Newtown Road - Venkatesh Srinivasan

Mr. Srinivasan asked if the Commission would consider allowing him to extend the length of his patio along the back side of the house. In November 2006 the Commission issued a Determination of Applicability allowing him to build a 10' x 10' patio (brick); he would like to increase the length along the house to 25', not encroaching any closer towards wetlands. He has discovered that 10' x 10' is not big enough for the patio furniture that his family would like to use there.

Ms. Miles expressed concern about setting a precedent.

Mr. Maitland noted that the Applicant is not encroaching any closer towards the wetland than was previously approved.

Mr. Tidman noted that the Commission has permitted patios in the past as "landscaping" which had been permitted up to the 25' natural buffer line (under the previous Bylaw setbacks).

Ms. Miles moved that the Commission approve the proposed red-line change as described by Mr. Srinivasan. The Applicant shall submit a letter describing the need for the modification for the file and a modified plan showing the new patio. Mr. Froberg 2nd, motion passed with five ayes and one abstained (Miles).

7:30 Enforcement Order - 93 Taylor Road - 85-749 – Steve Marsh

Steve Marsh stated that he has discussed the Board of Health (BoH) septic permit with the Director, Doug Halley. Mr. Halley told Marsh that Town Counsel has not rendered a decision as to the status of the BoH permit. Furthermore, Mr. Marsh stated that he has a Superseding Order of Conditions (SOOC) from the Department of Environmental Protection (DEP) and does not feel that the Commission has any authority to stop him from proceeding with the project.

Mr. Maitland stated that the Commission's understanding is that not all applicable permits have been obtained or remain in effect for 93 Taylor Road. Thus as provided in the Wetland Protection Bylaw, the project cannot proceed until such time as all permits are obtained.

Mr. Marsh reported that he has a letter from attorney Dan Hill from Anderson & Kreiger (Acton's Town Counsel) dated 11/7/2005 (on file) and that a final judgment was issued in the matter of the Robert Hendrie vs. Acton BoH. Mr. Marsh stated that he may not be able complete the proposed project as required in the Town of Acton OOC for the replication area unless he starts constructing it now.

Ms. Miles noted that Mr. Marsh had told the Commission that he would submit an amended plan of the proposed house meeting the 40' setback from the new DEP approved wetland line.

Mr. Marsh stated his counsel had advised him not to submit an amended plan.

Mr. Tidman stated that Mr. Marsh's not submitting an amended plan leaves the Commission in the awkward position of not having an accurate plan on file.

Mr. Marsh stated that he is providing oral notification to the Commission that he may need to bring a back-hoe on the site to conduct further testing for the septic system.

Request for Determination - Town of Acton – Road Resurfacing

Corey York from the Acton Engineering Department presented plans for the proposed resurfacing of various streets in Acton: Rt. 27 from Sylvia St. to High St., Rt. 27 School St. to Rt. 111, Rt. 27 from Rt. 111 to Rt. 2, Rt. 27 from Rt. 2 to 371 Main St., School St. from Rt. 27 to Piper Rd., Brucewood Road, Rt. 111 from Spruce St. to Arlington St., Powder Horn Ln., Flintlock Dr., Revolutionary Rd., Fife & Drum to John Swift, Heald Rd., Trask Rd., Nagog Hill Rd. from Hammond St. to Sutton Place, Hawthorne St., Pope Rd. from Rt. 2A to Bayberry Rd., Strawberry Hill Rd from Pope Rd. to the Concord town line, Simon Hapgood Ln. and Carlisle Road. Activities will include grinding of existing surfaces, raising drainage and utility structures and resurfacing the existing roadways. There are no plans to expand the width of any of the roadways listed. Roadways are typically resurfaced every 10 to 15 years.

8:10 Hearing no comments or questions, Mr. Maitland closed the meeting.

Determination – Town of Acton – Road Resurfacing

Mr. Froberg moved that the Commission find the proposed activity to be within its jurisdiction but will not impact the wetlands (negative three); Ms. Adachi 2nd, unanimous.

8:14 Request for Determination – Town of Acton - 21 Elm Street

Tom Tidman, Director of Natural Resources, presented plans for the proposed installation/replacement of new field lighting at the Elm Street softball field. The Town proposes to remove the existing eight ball field lighting poles, each approximately 35 feet tall, and replace with (six) 70' to 80' tall lighting poles. Three of the existing poles are located within the 100' wetland buffer zone; only one of the proposed new poles will be located within the buffer zone. Footings for the new poles will be approximately 15' deep.

Upon query by Mr. Froberg, Mr. Tidman reported that groundwater is within approximately two feet of the soil surface. During installation of the new poles, water will be pumped from the footing holes into a haybale dike enclosure. The Town proposes to do the work during the month of August, 2007.

Upon query by Ms. Miles, Mr. Tidman stated that he filed the proposed activity as a Request for Determination because the nearest existing pole is 48' from the edge of wetlands; the one new pole to be installed within the buffer zone will be 65' from the edge of wetlands. All work will be confined to the existing, flat turf baseball field; erosion caused by silt leaving the site is extremely unlikely. Thus the likelihood of environmental impact caused by construction is very low. Work will occur in August, the driest time of the year.

Upon query by Ms. Miles, Mr. Tidman stated that it may be possible to place the underground utilities from Pole S-3 to Pole S-1, on a direct line not turning a 90° corner, thus not passing through as much buffer zone.

Hearing no further comments or questions, Mr. Maitland closed the meeting.

8:50 Determination - Town of Acton - 21 Elm Street

Mr. Froberg moved that the Commission find the work as proposed to be within its jurisdiction but will not impact the wetlands (negative 3); Ms. Adachi 2nd, unanimous.

8:52 Continuance - NOI - Main Street Sidewalk

Mr. Maitland noted that the Commission conducted a site walk on Monday, April 2 at 9:00 AM.

8:55 Mr. Maitland closed the hearing.

Decision – Main Street Sidewalk

Ms. Adachi moved that the Commission issue a standard OOC subject to the receipt of a determination from Natural Heritage concerning the potential impact of the proposed project to the Wood turtle habitat; Ms. Miles 2nd, unanimous.

Schedule Site Walk - 53 Fort Pond Road (Grassy Pond Place) – hearing continued to 4/18.

The Commission scheduled a site walk for Friday, April 6th at 1:00 PM.

Certificates of Compliance

5 Patrick Henry Circle - Ms. Adachi moved that the Commission issue a Certificate as recommended by Mr. Tidman; Ms. Miles 2nd, unanimous.

294 Arlington Street – Thunder Way – Ms. Miles moved that the Commission issue a Certificate as recommended by Mr. Tidman; Mr. Froberg 2nd, unanimous.

30 Stow Street – Mr. Froberg moved that the Commission issue a Certificate as recommended by Mr. Tidman; Ms. Adachi 2nd, unanimous.

MINUTES

Ms. Adachi moved that the Commission accept the minutes for March 7 and March 21, 2007; Ms. Miles 2nd, unanimous.

9:50 Meeting adjourned.


Terrence Maitland
Chair

TT:ahr.concom.minutes.2007.040407